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EXAMINER

JAKOVAC, RYAN J

ART UNIT

PAPER NUMBER

2145

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,023

Applicant(s)

CURCIO ET AL.

Examiner

RYAN J. JAKOVAC

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11,37,43-46 and 48-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11,37,43-46 and 48-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims pending: 1, 2, 4-9, 11, 37, 43-46, 48-56.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 44-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-8, 11, 43-46, 49, 52, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over RFC 2327, SDP: Session Description Protocol (hereinafter SDP) in view of US 6,745,364 to Bhatt et al (hereinafter Bhatt).

Regarding claim 1 and 43-46, SDP teaches a method comprising: communicating at least one session parameter, which is related to a transmission of common data from one sender to a plurality of receivers within a transmission session, to said plurality of receivers via an attribute

of the Session Description Protocol (Chapter 4.1, Client sends a multicasts an announcement packet (i.e. sends to a plurality of receivers). Chapter 5, Session parameters are included such as media information and session name which describe the information transmitted.). SDP does not expressly disclose wherein said attribute of the Session Description Protocol is a Forward Error Correction attribute that specifies at least a Forward Error Correction encoding scheme that is used for said transmission of said common data within said transmission session, however, Bhatt discloses wherein said attribute of the Session Description Protocol is a Forward Error Correction attribute that specifies at least a Forward Error Correction encoding scheme that is used for said transmission of said common data within said transmission session (Bhatt, col. 6, line 65 to col. 7, line 10, enhancement is provided to the standard session description protocol (SDP) elements that allows receiving device to identify the location and characteristics of the streamed media and associated FEC data streams. Also, col. 9, line 65 to col. 12, line 10, excerpts from an SDP description containing lines which are use to identify error correction and FEC streams.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said attribute of the Session Description Protocol is a Forward Error Correction attribute that specifies at least a Forward Error Correction encoding scheme that is used for said transmission of said common data within said transmission session as taught by Bhatt with the method of SDP in order to provide an enhancement to SDP that incorporates FEC.

Regarding claim 2, the combination of SDP and Bhatt teaches the method according to claim 1, wherein said at least one session parameter is communicated to said plurality of

receivers before or during the establishment of said transmission session (Chapter 4-5, The multicast announcements includes a SDP session description which includes parameters such as media information and session name.).

Regarding claim 4, The combination of SDP and Bhatt teaches the method according to claim 1, wherein said common data is transmitted from said sender to said plurality of receivers at least partially over an Internet Protocol (IP) based network (Chapter 5.1 discloses an IP multicast session.).

Regarding claim 5, The combination of SDP and Bhatt teaches the method according to claim 1, wherein said common data is transmitted from said sender to said plurality of receivers in a broadcast or multicast operation (Chapter 5.1 discloses an IP multicast session. Chapter 4.1, Client sends a multicast announcement packet (i.e. sends to a plurality of receivers)).

Regarding claim 6, The combination of SDP and Bhatt teaches the method according to claim 1, wherein said common data is streaming data or non-streaming data (Chapter 5, Session parameters are included such as media information and session name which describe the information transmitted.).

Regarding claim 7, The combination of SDP and Bhatt teaches the method according to claim 1, wherein said common data is real-time data or non-real-time data (Chapter 5, Session

parameters are included such as media information and session name which describe the information transmitted.).

Regarding claim 8, The combination of SDP and Bhatt teaches the method according to claim 1, wherein said common data is transmitted from said sender to said plurality of receivers at least partially over a wireless network (Bhatt, fig. 2, wireless communication link suitable for streaming media between a sending device and receiving devices. See also, col. 1, line 1-10.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said common data is transmitted from said sender to said plurality of receivers at least partially over a wireless network as taught by Bhatt with the method of SDP in order to utilize the well known features of a wireless network (Bhatt, fig. 2.)

Regarding claim 11, 49, 52, 55, the combination of SDP and Bhatt teaches the method according to claim 1, wherein said FEC attribute further specifies an FEC encoding identifier (Bhatt, col. 9 to col. 10, error correction attributes.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 9, 37, 48, 50, 51, 53, 54, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of SDP and Bhatt in view of applicant's admitted prior art (hereinafter AAPA).

Regarding claim 9, 48, 51, 54 The combination of SDP and Bhatt teaches the method according to claim 8, the combination of SDP and Bhatt does not expressly disclose wherein said wireless network is a mobile network that at least partially implements a Multimedia Broadcast/Multicast Service (MBMS) as defined by a Third Generation Partnership Project (3GPP). However, AAPA teaches wherein said wireless network is a mobile network that at least partially implements a Multimedia Broadcast/Multicast Service (MBMS) as defined by a Third Generation Partnership Project (3GPP) (Specification, page 1, paragraph 4 discloses transmission of data over radio (i.e. wireless network) in a MBMS as defined by 3GPP.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said wireless network is a mobile network that at least partially implements a Multimedia Broadcast/Multicast Service (MBMS) as defined by a Third Generation Partnership Project (3GPP) as taught by AAPA with the method of SDP in order to provide flexible and efficient mechanisms to send common information from one sender to multiple receivers (AAPA, paragraph [0002]).

Examiner notes that while Bhatt does not explicitly mention Broadcast/Multicast Service (MBMS), Bhatt does disclose wireless 3G networks in col. 1, line 35-50.

Regarding claim 37, 50, 53, 56, The combination of SDP and Bhatt teaches the method according to claim 1, SDP does not teach but AAPA teaches wherein said transmission of said common data from said sender to said plurality of receivers is at least partially controlled by the File Delivery Over Unidirectional Transport protocol (Specification paragraph [0011], FLUTE is used in multicast networks.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said transmission of said common data from said sender to said plurality of receivers is at least partially controlled by a File Delivery Over Unidirectional Transport FLUTE protocol as taught by applicant's admitted prior art with the method of SDP in order to send common data from one IP based entity to a plurality of IP based hosts as well as for the delivery of large and small files to many IP based hosts as well as for the delivery of large software updates to many IP based hosts simultaneously (AAPA, paragraph [0011]).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2145

RJ

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145